

July 25, 2002

Exemption No. 7845  
Regulatory Docket No. FAA-2002-12751

Mr. Gregory S. Grist  
Chief Inspector  
F.S. Air Service, Inc.  
6121 South Airpark Place  
Anchorage, AK 99502

Dear Mr. Grist:

By letter dated June 4, 2002, you petitioned the Federal Aviation Administration on behalf of F.S. Air Service, Inc. (F.S. Air Service), for an exemption from § 135.143(c)(2) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit F.S. Air Service to operate certain aircraft under part 135 without a TSO-C112 (Mode S) transponder installed in the aircraft.

We issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 7776 (copy enclosed), we noted that, even with the ground sensors necessary for Mode S transponders in place, we are reconsidering the comments submitted in response to Notice No. 96-5 and our position on Mode S requirements for the current aviation environment. We noted that, in May 1996, we proposed to remove the Mode S transponder requirement for all aircraft operations under part 135 and for certain aircraft operations under 14 CFR part 121 that are not required to have traffic alert and collision avoidance system II (61 FR 26036). Therefore, we found that the public interest would not be served by requiring certain individuals to purchase and install Mode S transponders.

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by the petitioner in the enclosed grant of exemption. In addition, I have determined that our reasons for granting the enclosed exemption also apply to the situation you present.

Please note that in an effort to allow the public to participate in tracking our rulemaking activities, we have transitioned to the Department of Transportation's online Docket Management System (DMS) at <http://dms.dot.gov>. This new docket system enables

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interested persons to submit requests to, view requests on, and download requests from the DMS to comply with 14 CFR § 11.63. Please submit future requests through the DMS.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701 delegated to me by the Administrator, F.S. Air Service, Inc., is granted an exemption from 14 CFR § 135.143(c)(2) to operate certain aircraft under part 135 without a Mode S transponder installed in the aircraft, subject to the following conditions and limitations:

1. F.S. Air Service may operate an aircraft listed on its part 135 operations specifications at the issue date of this exemption, when the aircraft is equipped with a TSO-C74b or TSO-C74c transponder.
2. F.S. Air Service may operate an aircraft not listed on its part 135 operations specifications at the issue date of this exemption, if it notifies its principal operations inspector and the aircraft is equipped with a TSO-C74b or TSO-C74c transponder.

This exemption terminates on July 31, 2004, unless sooner superseded or rescinded.

Sincerely,

/s/

Anthony F. Fazio  
Director, Office of Rulemaking

Enclosure